

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT

ANCHORAGE SCHOOL DISTRICT,
Appellant,
vs.
THE PARENTS OF STUDENT M.P.,
Appellees.

ORDER GRANTING ATTORNEY FEES

The Parents of M.P. filed a motion for an award of attorney fees in the amount of \$26,385. 20 U.S.C. § 1415(i)(3)(B)(i) provides for an award of attorney fees to the parents of a child with a disability who is the prevailing party in any "action or proceeding" brought to enforce the Individuals with Disabilities Education Act. This section authorizes full reasonable fees incurred for both court actions and administrative proceedings.¹ The fees awarded under this statute must be based on the "rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished."² Alaska courts have the authority to award fees under this type of federal statute.³

¹ See *T.D. v. LaGrange Sch. Dist.*, 349 F.3d 469, 479 (7th Cir. 2003); *Lucht v. Molalla River Sch. Dist.*, 225 F.3d 1023, 1027-28 (9th Cir. 2000).

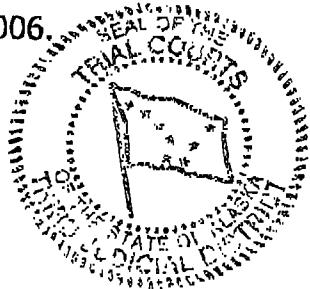
² See 28 U.S.C. § 1415(i)(3)(C).

³ See *Balough v. Fairbanks North Star Borough*, 995 P.2d 245, 270 (Alaska 2000).

The Parents are the prevailing parties in this proceeding. They have established that the prevailing rate in Anchorage for their attorney's work is \$225 per hour. Based on the comments by the Anchorage School District, the court finds that some of the time expended by counsel may have been excessive.⁴ But it was reasonable for counsel to spend at least one-hundred hours of time preparing for the three-day administrative hearing and presenting the complicated arguments in this appeal.

THE COURT THEREFORE ORDERS that the Anchorage School District shall pay attorney fees to the Parents of M.P. in the amount of \$22,500.

Dated this 24th day of May 2006.




Joel H. Bolger
Superior Court Judge

⁴ See 28 U.S.C. § 1415 (i)(3)(F)(iii).



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